



General Assembly

January Session, 2011

Committee Bill No. 5946

LCO No. 3983

03983HB05946TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

**AN ACT CONCERNING WARRANTIES APPLICABLE TO VESSELS
AND MARINE ENGINES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) As used in this
2 section: "Commissioner" means the Commissioner of Consumer
3 Protection; "vessel" means every description of watercraft, other than a
4 seaplane on water, used or capable of being used as a means of
5 transportation on water, exclusive of any such watercraft used
6 primarily for purposes of transporting commercial cargo; "person"
7 means any individual, partnership, firm, association, limited liability
8 company, corporation or other entity; "consumer" means the
9 purchaser, other than for purposes of resale, of a vessel, a lessee of a
10 vessel, any person to whom such vessel is transferred during the
11 duration of an express warranty applicable to such vessel, and any
12 person entitled by the terms of such warranty to enforce the
13 obligations of the warranty; "marine dealer" means a person engaged
14 in the business of selling or repairing new or used vessels or marine
15 engines; "vessel manufacturer" means a person engaged in the
16 business of manufacturing, selling or repairing vessels; "marine engine

17 manufacturer" means a person engaged in the business of
18 manufacturing, selling or repairing marine engines; "marine engine"
19 means an engine manufactured for use or used in vessels.

20 (b) If a new vessel or marine engine does not conform to all
21 applicable express warranties, and the consumer reports the
22 nonconformity to the manufacturer of such vessel or engine, its agent
23 or its authorized dealer during the period of two years following the
24 date of original delivery of the vessel or marine engine to a consumer,
25 such manufacturer, its agent or its authorized dealer shall make such
26 repairs as are necessary to conform the vessel or engine to such express
27 warranties, notwithstanding the fact that such repairs are made after
28 the expiration of the applicable period.

29 (c) No consumer shall be required to notify the vessel or engine
30 manufacturer of a claim under this section unless the manufacturer has
31 clearly and conspicuously disclosed to the consumer, in the warranty
32 or owner's manual, that written notification of the nonconformity is
33 required before the consumer may be eligible for a refund or
34 replacement of the vessel or engine. The manufacturer shall include
35 with the warranty or owner's manual the name and address to which
36 the consumer shall send such written notification.

37 (d) If the manufacturer or its agents or authorized dealers are
38 unable to conform the vessel or engine to any applicable express
39 warranty by repairing or correcting any defect or condition which
40 substantially impairs the use, safety or value of the vessel or engine to
41 the consumer after a reasonable number of attempts, the manufacturer
42 shall replace the vessel or engine with a new vessel or engine
43 acceptable to the consumer, or accept return of the vessel or engine
44 from the consumer and refund to the consumer: (1) The full purchase
45 price, and (2) all collateral charges, including, but not limited to, sales
46 tax, license and registration fees, and similar government charges.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	New section
-----------	-----------------	-------------

Statement of Purpose:

To provide remedies to purchasers of vessels or marine engines.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. RYAN, 139th Dist.

H.B. 5946